

**35 Sec. 202 HIGHER
EDUCATION ACT OF
1965**

**TITLE II—TEACHER
QUALITY**

ENHANCEMENT

**PART A—TEACHER
QUALITY**

ENHANCEMENT

GRANTS FOR

STATES AND

PARTNERSHIPS

SEC. 201. *ø20 U.S.C. 1021*¿
PURPOSES; DEFINITIONS.

(a) PURPOSES.—The purposes of this part are to—

- (1) improve student achievement;
- (2) improve the quality of the current and future teaching force by improving the preparation of prospective teachers and enhancing professional development activities;
- (3) hold institutions of higher education accountable for preparing teachers who have the necessary teaching skills and are highly competent in the academic content areas in which the teachers plan to teach, such as mathematics, science, English, foreign languages, history, economics, art, civics, Government, and geography, including training in the effective uses of technology in the classroom; and

(4) recruit highly qualified individuals, including individuals from other occupations, into the teaching force.

(b) DEFINITIONS.—In this part:

(1) ARTS AND SCIENCES.—

The term “arts and sciences” means—

- (A) when referring to an organizational unit of an institution of higher education, any academic unit that offers 1 or more academic majors in disciplines or content areas corresponding to the academic subject matter areas in which teachers provide instruction; and
- (B) when referring to a specific academic subject matter area, the disciplines or content areas in which academic majors are offered by the arts and science organizational unit.

(2) HIGH NEED LOCAL

EDUCATIONAL AGENCY.—

The term “high need local educational agency” means a local educational agency that serves an elementary school or secondary school located in an area in which there is—

- (A) a high percentage of individuals from families with incomes below the poverty line;
- (B) a high percentage of secondary school

teachers not teaching in the content area in which the teachers were trained to teach; or

(C) a high teacher turnover rate.

(3) POVERTY LINE.—The term “poverty line” means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

SEC. 202. *ø20 U.S.C. 1022*¿
STATE GRANTS.

(a) IN GENERAL.—From amounts made available under section 210(1) for a fiscal year, the Secretary is authorized to award grants under this section, on a competitive basis, to eligible States to enable the eligible States to carry out the activities described in subsection (d).

(b) ELIGIBLE STATE.—

(1) DEFINITION.—In this part, the term “eligible State” means—

- (A) the Governor of a State; or
- (B) in the case of a State for which the constitution or law of such State designates another individual, entity, or agency in the

State to be responsible for teacher certification and preparation activity, such individual, entity, or agency.

(2) CONSULTATION.—The Governor and the individual, entity, or agency designated under paragraph (1) shall consult with the Governor, State board of education, State educational agency, or State agency for higher education, as appropriate, with respect to the activities assisted under this section.

(3) CONSTRUCTION.—Nothing in this subsection shall be construed to negate or supersede the legal authority under State law of any State agency, State entity, or State public official over programs that are under the jurisdiction of the agency, entity, or official.

(c) APPLICATION.—To be eligible to receive a grant under this section, an eligible State shall, at the time of the initial grant application, submit an application to the Secretary that—

- (1) meets the requirement of this section;
- (2) includes a description of how the eligible State intends to

use funds provided under this section; and

- (3) contains such other information and assurances as the Secretary may require.

(d) USES OF FUNDS.—An eligible State that receives a grant under this section shall use the grant funds to reform teacher preparation requirements, and to ensure that current and future teachers possess the necessary teaching skills and academic content knowledge in the subject areas in which the teachers are assigned to teach, by carrying out 1 or more of the following activities:

(1) REFORMS.—Implementing reforms that hold institutions of higher education with teacher preparation programs accountable for preparing teachers who are highly competent in the academic content areas in which the teachers plan to teach, and possess strong teaching skills, which may include the use of rigorous subject matter competency tests and the requirement that a teacher have an academic major in the subject area, or related

discipline, in which the teacher plans to teach.

(2) CERTIFICATION OR LICENSURE REQUIREMENTS.—Reforming teacher certification or licensure requirements to ensure that teachers have the necessary teaching skills and academic content knowledge in the subject areas in which teachers are assigned to teach.

(3) ALTERNATIVES TO TRADITIONAL PREPARATION FOR TEACHING.—Providing prospective teachers with alternatives to traditional preparation for teaching through programs at colleges of arts and sciences or at nonprofit educational organizations.

(4) ALTERNATIVE ROUTES TO STATE CERTIFICATION.—Carrying out programs that—

- (A) include support during the initial teaching experience; and
- (B) establish, expand, or improve alternative routes to State certification of teachers for highly qualified individuals, including mid-career professionals from other occupations, paraprofessionals, former military personnel and recent college graduates with records of academic distinction.

(5) RECRUITMENT; PAY; REMOVAL.—Developing

and implementing effective mechanisms to ensure that local educational agencies and schools are able to effectively recruit highly qualified teachers, to financially reward those teachers and principals whose students have made significant progress toward high academic performance, such as through performance-based compensation systems and access to ongoing professional development opportunities for teachers and administrators, and to expeditiously remove incompetent or unqualified teachers consistent with procedures to ensure due process for the teachers.

(6) **SOCIAL PROMOTION.**—Development and implementation of efforts to address the problem of social promotion and to prepare teachers to effectively address the issues raised by ending the practice of social promotion.

(7) **RECRUITMENT.**—Activities described in section 204(d).

**SEC. 203. ø20 U.S.C. 1023¿
PARTNERSHIP GRANTS.**

(a) **GRANTS.**—From amounts made available under section 210(2) for

a fiscal year, the Secretary is authorized to award grants under this section, on a competitive basis, to eligible partnerships to enable the eligible partnerships to carry out the activities described in subsections (d) and (e).

(b) **DEFINITIONS.**—

(1) **ELIGIBLE**

PARTNERSHIPS.—In this part, the term “eligible partnerships” means an entity that—

(A) shall include—

(i) a partner institution;
(ii) a school of arts and sciences; and

(iii) a high need local educational agency; and

(B) may include a Governor, State educational agency, the State board of education, the State agency for higher education, an institution of higher education not described in subparagraph (A), a public charter school, a public or private elementary school or secondary school, a public or private nonprofit educational organization, a business, a teacher organization, or a prekindergarten program.

(2) **PARTNER INSTITUTION.**—

In this section, the term “partner institution”

means a private independent or State-supported public institution of higher education, the teacher training program of which demonstrates that—

(A) graduates from the teacher training program exhibit strong

performance on State-determined qualifying assessments for new teachers through—

(i) demonstrating that 80 percent or more of the graduates of the program who intend to enter the field of teaching have passed all of the applicable State qualification

assessments for new teachers, which shall include an assessment of each prospective teacher’s subject matter knowledge in the content area or areas in which the teacher intends to teach; or
(ii) being ranked among the highest-performing teacher preparation programs in the State as determined by the State—

(I) using criteria consistent with the requirements for the State report card under section 207(b); and

(II) using the State report card on teacher preparation required

under section 207(b), after the first publication of such report card and for every year thereafter; or

(B) the teacher training program requires all the students of the program to participate in intensive clinical experience, to meet high academic standards, and—

(i) in the case of secondary school candidates, to successfully complete an academic major in the subject area in which the candidate intends to teach or to demonstrate competence through a high level of performance in relevant content areas; and

(ii) in the case of elementary school candidates, to successfully complete an academic major in the arts and sciences or to demonstrate competence through a high level of performance in core academic subject areas.

(c) APPLICATION.—Each eligible partnership desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

Each such application shall—

(1) contain a needs assessment of all the partners with respect to teaching and learning and a description of how the partnership will coordinate with other teacher training or professional development programs, and how the activities of the partnership will be consistent with State, local, and other education reform activities that promote student achievement;

(2) contain a resource assessment that describes the resources available to the partnership, the intended use of the grant funds, including a description of how the grant funds will be fairly distributed in accordance with subsection (f), and the commitment of the resources of the partnership to the activities assisted under this part, including financial support, faculty participation, time commitments, and continuation of the activities when the grant ends; and

(3) contain a description of—

(A) how the partnership will meet the purposes of this part;

(B) how the partnership will carry out the activities required under subsection (d) and any permissible activities under subsection (e); and

(C) the partnership's evaluation plan pursuant to section 206(b).

(d) REQUIRED USES OF FUNDS.—An eligible partnership that receives a grant under this section shall use the grant funds to carry out the following activities:

(1) REFORMS.—

Implementing reforms within teacher preparation programs to hold the programs accountable for preparing teachers who are highly competent in the academic content areas in which the teachers plan to teach, and for promoting strong teaching skills, including working with a school of arts and sciences and integrating reliable research-based teaching methods into the curriculum, which curriculum shall include programs designed to successfully integrate technology into teaching and learning.

(2) CLINICAL EXPERIENCE AND INTERACTION.—

Providing sustained and high quality preservice clinical experience

including the mentoring of prospective teachers by veteran teachers, and substantially increasing interaction between faculty at institutions of higher education and new and experienced teachers, principals, and other administrators at elementary schools or secondary schools, and providing support, including preparation time, for such interaction.

(3) PROFESSIONAL DEVELOPMENT.—Creating opportunities for enhanced and ongoing professional development that improves the academic content knowledge of teachers in the subject areas in which the teachers are certified to teach or in which the teachers are working toward certification to teach, and that promotes strong teaching skills.

(e) ALLOWABLE USES OF FUNDS.—An eligible partnership that receives a grant under this section may use such funds to carry out the following activities:

(1) TEACHER PREPARATION AND PARENT INVOLVEMENT.—Preparing teachers to work with diverse student populations, including individuals with disabilities and

limited English proficient individuals, and involving parents in the teacher preparation program reform process.

(2) DISSEMINATION AND COORDINATION.—Broadly disseminating information on effective practices used by the partnership, and coordinating with the activities of the Governor, State board of education, State higher education agency, and State educational agency, as appropriate.

(3) MANAGERIAL AND LEADERSHIP SKILLS.—Developing and implementing proven mechanisms to provide principals and superintendents with effective managerial and leadership skills that result in increased student achievement.

(4) TEACHER RECRUITMENT.—Activities described in section 204(d).

(f) SPECIAL RULE.—No individual member of an eligible partnership shall retain more than 50 percent of the funds made available to the partnership under this section.

(g) CONSTRUCTION.—Nothing in this section shall be construed to prohibit an eligible partnership from using

grant funds to coordinate with the activities of more than one Governor, State board of education, State educational agency, local educational agency, or State agency for higher education.

SEC. 204. ø20 U.S.C. 1024¿
TEACHER RECRUITMENT GRANTS.

(a) PROGRAM

AUTHORIZED.—From amounts made available under section 210(3) for a fiscal year, the Secretary is authorized to award grants, on a competitive basis, to eligible applicants to enable the eligible applicants to carry out activities described in subsection (d).

(b) ELIGIBLE APPLICANT DEFINED.—In this part, the term “eligible applicant” means—

(1) an eligible State described in section 202(b); or

(2) an eligible partnership described in section 203(b).

(c) APPLICATION.—Any eligible applicant desiring to receive a grant under this section shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require, including—

(1) a description of the assessment that the eligible applicant, and the other entities with whom the eligible applicant will carry out the grant activities, have undertaken to determine the most critical needs of the participating high-need local educational agencies;

(2) a description of the activities the eligible applicant will carry out with the grant; and
(3) a description of the eligible applicant's plan for continuing the activities carried out with the grant, once Federal funding ceases.

(d) **USES OF FUNDS.**—Each eligible applicant receiving a grant under this section shall use the grant funds—

(1)(A) to award scholarships to help students pay the costs of tuition, room, board, and other expenses of completing a teacher preparation program;
(B) to provide support services, if needed to enable scholarship recipients to complete postsecondary education programs; and
(C) for followup services provided to former scholarship recipients during the recipients first 3 years of teaching; or

(2) to develop and implement effective mechanisms to ensure that high need local educational agencies and schools are able to effectively recruit highly qualified teachers.

(e) **SERVICE**

REQUIREMENTS.—The Secretary shall establish such requirements as the Secretary finds necessary to ensure that recipients of scholarships under this section who complete teacher education programs subsequently teach in a high-need local educational agency, for a period of time equivalent to the period for which the recipients receive scholarship assistance, or repay the amount of the scholarship. The Secretary shall use any such repayments to carry out additional activities under this section.

SEC. 205. ø20 U.S.C. 1025¿ ADMINISTRATIVE PROVISIONS.

(a) **DURATION; ONE-TIME AWARDS; PAYMENTS.**—

(1) **DURATION.**—

(A) **ELIGIBLE STATES AND ELIGIBLE APPLICANTS.**—

Grants awarded to eligible States and eligible applicants under this part shall be awarded for a period not to exceed 3 years.

(B) **ELIGIBLE**

PARTNERSHIPS.—Grants awarded to eligible partnerships under this part shall be awarded for a period of 5 years.

(2) **ONE-TIME AWARD.**—An eligible State and an eligible partnership may receive a grant under each of sections 202, 203, and 204 only once.

(3) **PAYMENTS.**—The Secretary shall make annual payments of grant funds awarded under this part.

(b) **PEER REVIEW.**—

(1) **PANEL.**—The Secretary shall provide the applications submitted under this part to a peer review panel for evaluation. With respect to each application, the peer review panel shall initially recommend the application for funding or for disapproval.

(2) **PRIORITY.**—In recommending applications to the Secretary for funding under this part, the panel shall—

(A) with respect to grants under section 202, give priority to eligible States serving States that—

(i) have initiatives to reform State teacher certification requirements that are designed to ensure that

current and future teachers possess the necessary teaching skills and academic content knowledge in the subject areas in which the teachers are certified or licensed to teach;

(ii) include innovative reforms to hold institutions of higher education with teacher preparation programs accountable for preparing teachers who are highly competent in the academic content area in which the teachers plan to teach and have strong teaching skills; or

(iii) involve the development of innovative efforts aimed at reducing the shortage of highly qualified teachers in high poverty urban and rural areas;

(B) with respect to grants under section 203—

(i) give priority to applications from eligible partnerships that involve businesses; and

(ii) take into consideration—

(I) providing an equitable geographic distribution of the grants throughout the United States; and

(II) the potential of the proposed activities for

creating improvement and positive change.

(3) SECRETARIAL SELECTION.—The Secretary shall determine, based on the peer review process, which application shall receive funding and the amounts of the grants. In determining grant amounts, the Secretary shall take into account the total amount of funds available for all grants under this part and the types of activities proposed to be carried out.

(c) MATCHING REQUIREMENTS.—

(1) STATE GRANTS.—Each eligible State receiving a grant under section 202 or 204 shall provide, from non-Federal sources, an amount equal to 50 percent of the amount of the grant (in cash or in kind) to carry out the activities supported by the grant.

(2) PARTNERSHIP GRANTS.—Each eligible partnership receiving a grant under section 203 or 204 shall provide, from non-Federal sources (in cash or in kind), an amount equal to 25 percent of the grant for the first year of the grant, 35 percent of the grant for the second year of the grant, and 50 percent of the grant for each

succeeding year of the grant.

(d) LIMITATION ON ADMINISTRATIVE EXPENSES.—An eligible State or eligible partnership that receives a grant under this part may not use more than 2 percent of the grant funds for purposes of administering the grant.

(e) TEACHER QUALIFICATIONS PROVIDED TO PARENTS UPON REQUEST.

—Any local educational agency or school that benefits from the activities assisted under this part shall make available, upon request and in an understandable and uniform format, to any parent of a student attending any school served by the local educational agency, information regarding the qualification of the student's classroom teacher with regard to the subject matter in which the teacher provides instruction. The local educational agency shall inform parents that the parents are entitled to receive the information upon request.

SEC. 206. ~~20~~ U.S.C. 1026*g*
ACCOUNTABILITY AND EVALUATION.

(a) STATE GRANT ACCOUNTABILITY REPORT.—An eligible State that receives a grant under

section 202 shall submit an annual accountability report to the Secretary, the Committee on Labor and Human Resources of the Senate, and the Committee on Education and the Workforce of the House of Representatives. Such report shall include a description of the degree to which the eligible State, in using funds provided under such section, has made substantial progress in meeting the following goals:

(1) STUDENT ACHIEVEMENT.—Increasing student achievement for all students as defined by the eligible State.

(2) RAISING STANDARDS.—Raising the State academic standards required to enter the teaching profession, including, where appropriate, through the use of incentives to incorporate the requirement of an academic major in the subject, or related discipline, in which the teacher plans to teach.

(3) INITIAL CERTIFICATION OR LICENSURE.—Increasing success in the pass rate for initial State teacher certification or licensure, or increasing the numbers of highly qualified individuals

being certified or licensed as teachers through alternative programs.

(4) CORE ACADEMIC SUBJECTS.—

(A) SECONDARY SCHOOL CLASSES.—Increasing the percentage of secondary school classes taught in core academic subject areas by teachers—

(i) with academic majors in those areas or in a related field;

(ii) who can demonstrate a high level of competence through rigorous academic subject area tests;

or

(iii) who can demonstrate competence through a high level of performance in relevant content areas.

(B) ELEMENTARY SCHOOL CLASSES.—Increasing the percentage of elementary school classes taught by teachers—

(i) with academic majors in the arts and sciences; or

(ii) who can demonstrate competence through a high level of performance in core academic subjects.

(5) DECREASING TEACHER SHORTAGES.—Decreasing shortages of qualified teachers in poor urban and rural areas.

(6) INCREASING OPPORTUNITIES FOR PROFESSIONAL DEVELOPMENT.

—Increasing opportunities for enhanced and ongoing professional development that improves the academic content knowledge of teachers in the subject areas in which the teachers are certified or licensed to teach or in which the teachers are working toward certification or licensure to teach, and that promotes strong teaching skills.

(7) TECHNOLOGY INTEGRATION.—Increasing the number of teachers prepared to integrate technology in the classroom.

(b) ELIGIBLE PARTNERSHIP EVALUATION.—Each eligible partnership receiving a grant under section 203 shall establish and include in the application submitted under section 203(c), an evaluation plan that includes strong performance objectives. The plan shall include objectives and measures for—

(1) increased student achievement for all students as measured by the partnership;

(2) increased teacher retention in the first 3

years of a teacher's career;

(3) increased success in the pass rate for initial State certification or licensure of teachers; and

(4) increased percentage of secondary school classes taught in core academic subject areas by teachers—

(A) with academic majors in the areas or in a related field; and

(B) who can demonstrate a high level of competence through rigorous academic subject area tests or who can demonstrate competence through a high level of performance in relevant content areas;

(5) increasing the percentage of elementary school classes taught by teachers with academic majors in the arts and sciences or who demonstrate competence through a high level of performance in core academic subject areas; and

(6) increasing the number of teachers trained in technology.

(c) REVOCATION OF GRANT.—

(1) REPORT.—Each eligible State or eligible partnership receiving a grant under this part

shall report annually on the progress of the eligible State or eligible partnership toward meeting the purposes of this part and the goals, objectives, and measures described in subsections (a) and (b).

(2) REVOCATION.—

(A) ELIGIBLE STATES AND ELIGIBLE APPLICANTS.—If the Secretary determines that an eligible State or eligible applicant is not making substantial progress in meeting the purposes, goals, objectives, and measures, as appropriate, by the end of the second year of a grant under this part, then the grant payment shall not be made for the third year of the grant.

(B) ELIGIBLE PARTNERSHIPS.—If the Secretary determines that an eligible partnership is not making substantial progress in meeting the purposes, goals, objectives, and measures, as appropriate, by the end of the third year of a grant under this part, then the grant payments shall not be made for any succeeding year of the grant.

(d) EVALUATION AND DISSEMINATION.—The Secretary shall evaluate

the activities funded under this part and report the Secretary's findings regarding the activities to the Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives. The Secretary shall broadly disseminate successful practices developed by eligible States and eligible partnerships under this part, and shall broadly disseminate information regarding such practices that were found to be ineffective.

SEC. 207. ~~20~~ U.S.C. 1027*g*
ACCOUNTABILITY FOR
PROGRAMS THAT PREPARE
TEACHERS.

(a) DEVELOPMENT OF
DEFINITIONS AND REPORTING
METHODS.—

Within 9 months of the date of enactment of the Higher Education Amendments of 1998, the Commissioner of the National Center for Education Statistics, in consultation with States and institutions of higher education, shall develop key definitions for terms, and uniform reporting methods (including the key definitions for the consistent reporting of pass rates), related to the performance of elementary school and

secondary school teacher preparation programs.

(b) STATE REPORT CARD ON THE QUALITY OF TEACHER PREPARATION.

—Each State that receives funds under this Act shall provide to the Secretary, within 2 years of the date of enactment of the Higher Education Amendments of 1998, and annually thereafter, in a uniform and comprehensible manner that conforms with the definitions and methods established in subsection (a), a State report card on the quality of teacher preparation in the State, which shall include at least the following:

- (1) A description of the teacher certification and licensure assessments, and any other certification and licensure requirements, used by the State.
- (2) The standards and criteria that prospective teachers must meet in order to attain initial teacher certification or licensure and to be certified or licensed to teach particular subjects or in particular grades within the State.
- (3) A description of the extent to which the assessments and

requirements described in paragraph (1) are aligned with the State's standards and assessments for students.

(4) The percentage of teaching candidates who passed each of the assessments used by the State for teacher certification and licensure, and the passing score on each assessment that determines whether a candidate has passed that assessment.

(5) The percentage of teaching candidates who passed each of the assessments used by the State for teacher certification and licensure, disaggregated and ranked, by the teacher preparation program in that State from which the teacher candidate received the candidate's most recent degree, which shall be made available widely and publicly.

(6) Information on the extent to which teachers in the State are given waivers of State certification or licensure requirements, including the proportion of such teachers distributed across high- and low-poverty school districts and across subject areas.

(7) A description of each State's alternative routes to teacher certification, if any, and the

percentage of teachers certified through alternative certification routes who pass State teacher certification or licensure assessments.

(8) For each State, a description of proposed criteria for assessing the performance of teacher preparation programs within institutions of higher education in the State, including indicators of teacher candidate knowledge and skills.

(9) Information on the extent to which teachers or prospective teachers in each State are required to take examinations or other assessments of their subject matter knowledge in the area or areas in which the teachers provide instruction, the standards established for passing any such assessments, and the extent to which teachers or prospective teachers are required to receive a passing score on such assessments in order to teach in specific subject areas or grade levels.

(c) INITIAL REPORT.—

(1) IN GENERAL.—Each State that receives funds

under this Act, not later than 6 months of the date of enactment of the Higher Education Amendments of 1998 and in a uniform and comprehensible manner, shall submit to the Secretary the information described in paragraphs (1), (5), and (6) of subsection (b). Such information shall be compiled by the Secretary and submitted to the Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives not later than 9 months after the date of enactment of the Higher Education Amendments of 1998.

(2) CONSTRUCTION.—Nothing in this subsection shall be construed to require a State to gather information that is not in the possession of the State or the teacher preparation programs in the State, or readily available to the State or teacher preparation programs.

(d) REPORT OF THE SECRETARY ON THE QUALITY OF TEACHER PREPARATION.—

(1) REPORT CARD.—The Secretary shall provide to Congress, and publish and make widely

available, a report card on teacher qualifications and preparation in the United States, including all the information reported in paragraphs (1) through (9) of subsection (b). Such report shall identify States for which eligible States and eligible partnerships received a grant under this part. Such report shall be so provided, published and made available not later than 2 years 6 months after the date of enactment of the Higher Education Amendments of 1998 and annually thereafter.

(2) REPORT TO CONGRESS.—The Secretary shall report to Congress—

(A) a comparison of States' efforts to improve teaching quality; and

(B) regarding the national mean and median scores on any standardized test that is used in more than 1 State for teacher certification or licensure.

(3) SPECIAL RULE.—In the case of teacher preparation programs with fewer than 10 graduates taking any single initial teacher certification or licensure assessment during an academic year, the

Secretary shall collect and publish information with respect to an average pass rate on State certification or licensure assessments taken over a 3-year period.

(e) COORDINATION.—The Secretary, to the extent practicable, shall coordinate the information collected and published under this part among States for individuals who took State teacher certification or licensure assessments in a State other than the State in which the individual received the individual's most recent degree.

(f) INSTITUTIONAL REPORT CARDS ON THE QUALITY OF TEACHER PREPARATION.—

(1) REPORT CARD.—Each institution of higher education that conducts a teacher preparation program that enrolls students receiving Federal assistance under this Act, not later than 18 months after the date of enactment of the Higher Education Amendments of 1998 and annually thereafter, shall report to the State and the general public, in a uniform and comprehensible manner that conforms with the definitions and

methods established under subsection (a), the following information:

(A) PASS RATE.—(i) For the most recent year for which the information is available, the pass rate of the institution's graduates on the teacher certification or licensure assessments of the State in which the institution is located, but only for those students who took those assessments within 3 years of completing the program.

(ii) A comparison of the program's pass rate with the average pass rate for programs in the State.

(iii) In the case of teacher preparation programs with fewer than 10 graduates taking any single initial teacher certification or licensure assessment during an academic year, the institution shall collect and publish information with respect to an average pass rate on State certification or licensure assessments taken over a 3-year period.

(B) PROGRAM INFORMATION.—The number of students in the program, the average number of hours of supervised practice teaching required for those in the program, and the faculty-student

ratio in supervised practice teaching.

(C) STATEMENT.—In States that approve or accredit teacher education programs, a statement of whether the institution's program is so approved or accredited.

(D) DESIGNATION AS LOW-PERFORMING.—Whether the program has been designated as low-performing by the State under section 208(a).

(2) REQUIREMENT.—The information described in paragraph (1) shall be reported through publications such as school catalogs and promotional materials sent to potential applicants, secondary school guidance counselors, and prospective employers of the institution's program graduates.

(3) FINES.—In addition to the actions authorized in section 487(c), the Secretary may impose a fine not to exceed \$25,000 on an institution of higher education for failure to provide the information described in this subsection in a timely or accurate manner.

SEC. 208. ~~20~~ U.S.C. 1028~~2~~
STATE FUNCTIONS.

(a) STATE ASSESSMENT.—In order to receive funds

under this Act, a State, not later than 2 years after the date of enactment of the Higher Education Amendments of 1998, shall have in place a procedure to identify, and assist, through the provision of technical assistance, low-performing programs of teacher preparation within institutions of higher education. Such State shall provide the Secretary an annual list of such low-performing institutions that includes an identification of those institutions at-risk of being placed on such list. Such levels of performance shall be determined solely by the State and may include criteria based upon information collected pursuant to this part. Such assessment shall be described in the report under section 207(b).
(b) TERMINATION OF ELIGIBILITY.—Any institution of higher education that offers a program of teacher preparation in which the State has withdrawn the State's approval or terminated the State's financial support due to the low performance of the institution's teacher preparation program

based upon the State assessment described in subsection (a)—

(1) shall be ineligible for any funding for professional development activities awarded by the Department of Education; and

(2) shall not be permitted to accept or enroll any student that receives aid under title IV of this Act in the institution's teacher preparation program.

(c) **NEGOTIATED RULEMAKING.**—If the Secretary develops any regulations implementing subsection (b)(2), the Secretary shall submit such proposed regulations to a negotiated rulemaking process, which shall include representatives of States, institutions of higher education, and educational and student organizations.

SEC. 209. ø20 U.S.C. 1029¿
GENERAL PROVISIONS.

(a) **METHODS.**—In complying with sections 207 and 208, the Secretary shall ensure that States and institutions of higher education use fair and equitable methods in reporting and that the reporting methods protect the privacy of individuals.

(b) **SPECIAL RULE.**—For each State in which there are no State certification or licensure assessments, or for States that do not set minimum performance levels on those assessments—

(1) the Secretary shall, to the extent practicable, collect data comparable to the data required under this part from States, local educational agencies, institutions of higher education, or other entities that administer such assessments to teachers or prospective teachers; and

(2) notwithstanding any other provision of this part, the Secretary shall use such data to carry out requirements of this part related to assessments or pass rates.

(c) **LIMITATIONS.**—

(1) **FEDERAL CONTROL PROHIBITED.**—Nothing in this part shall be construed to permit, allow, encourage, or authorize any Federal control over any aspect of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law. This section shall not be construed to prohibit

private, religious, or home schools from participation in programs or services under this part.

(2) **NO CHANGE IN STATE CONTROL ENCOURAGED OR REQUIRED.**
 —Nothing in this part shall be construed to encourage or require any change in a State's treatment of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law.

(3) **NATIONAL SYSTEM OF TEACHER CERTIFICATION PROHIBITED.**
 —Nothing in this part shall be construed to permit, allow, encourage, or authorize the Secretary to establish or support any national system of teacher certification.

SEC. 210. ø20 U.S.C. 1030¿
AUTHORIZATION OF APPROPRIATIONS.
 As may be necessary for each of the 4 succeeding fiscal years, of which—

(1) 45 percent shall be available for each fiscal year to award grants under section 202;

(2) 45 percent shall be available for each fiscal year to award grants under section 203; and

(3) 10 percent shall be available for each fiscal year to award grants under section 204.

**Code of Federal Regulations,
Title 34, Volume 3,
Parts 400 to end,
[Revised as of July 1,
2000]**

34 CFR PART 611--
TEACHER QUALITY
ENHANCEMENT
GRANTS PROGRAM
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(Authority: 20 U.S.C. 1021 et seq. and 1024(e), unless otherwise noted.)

Subpart A--General Provisions

Sec. 611.1 What definitions apply to the Teacher Quality Enhancement Grants Program?

The following definitions apply to this part:

High-need local educational agency (LEA) means an LEA that meets one of the following definitions:

(1) An LEA with at least one school--

(i) In which 50 percent or more of the enrolled students are eligible for free and reduced lunch subsidies; or

(ii) That otherwise is eligible, without receipt of a waiver, to operate as a schoolwide program under Title I of the Elementary and Secondary Education Act.

(2) An LEA that has one school where--

(i) More than 34 percent of academic classroom teachers overall

(across all academic subjects) do not have a major, minor, or significant course work in their main assignment field; or

(ii) More than 34 percent of the main assignment faculty in two of the core-subject departments do not have a major, minor, or significant work in their main assigned field.

(3) An LEA that serves a school whose attrition rate among classroom teachers was 15 percent or more over the last three school years.

High-need school means an elementary, middle, or secondary school operated by a high-need LEA in which the school's students or teaching staff meet the elements in paragraphs (1), (2), or (3) of the definition of a high-need LEA.

Main assignment field means the academic field in which teachers have the largest percentage of their classes. Significant course work means four or more college-or graduate-level courses in the content area.

(Authority: 20 U.S.C. 1024(e))

Sec. 611.2 What management plan must be included in a Teacher Quality Enhancement Grants Program application?

(a) In addition to a description of the proposed multiyear

project, timeline, and budget information required by 34 CFR 75.112 and 75.117 and other applicable law, an applicant for a grant under this part must

submit with its application under paragraphs (a)(1), (a)(2)(iii), or (a)(3)(iii) of Sec. 611.3, as appropriate, a management plan that includes a proposed multiyear workplan. (b) At a minimum, this workplan must identify, for each year of the project--

(1) The project's overall objectives;

(2) Activities that the applicant proposes to implement to promote each project objective;

(3) Benchmarks and timelines for conducting project activities and achieving the project's objectives;

(4) The individual who will conduct and coordinate these activities;

(5) Measurable outcomes that are tied to each project objective, and the evidence by which success in achieving these objectives will be measured; and

(6) Any other information that the Secretary may require.

(c)(1) In any application for a grant that is submitted on behalf of a partnership, the workplan also must identify which partner will be responsible for which activities.

(2) In any application for a grant that is submitted on behalf of a State, the workplan must identify which entities in the State will be responsible for which activities.

(Authority: 20 U.S.C. 1021 et seq.)

Sec. 611.3 What procedures does the Secretary use to award a grant?

The Secretary uses the selection procedures in 34 CFR 75.200 through 75.222 except that--

(a) Application procedures for each program. (1) For the State Grants Program, the Secretary evaluates applications for new grants on the basis of the selection criteria and competitive preference contained in Secs. 611.11 through 611.13.

(2) For the Partnership Grants Program, the Secretary--

(i) Uses a two-stage application process to determine which applications to fund;

(ii) Uses the selection criteria in Secs. 611.21 through 611.22 to evaluate pre-applications submitted for new grants, and to determine those applicants to invite to submit full program applications; and

(iii) For those applicants invited to submit full applications,

uses the selection criteria and competitive preference in Secs. 611.23-611.25

to evaluate the full program applications.

(3) For the Teacher Recruitment Grants Program, the Secretary--

(i) Uses a two-stage application process to determine which applications to fund;

(ii) Uses the selection criteria in Sec. 611.31 to evaluate pre-applications submitted for new grants, and to determine those applicants to invite to submit full program applications; and

(iii) For those applicants invited to submit full applications, uses the selection criteria in Sec. 611.32 to evaluate the full program applications.

(b) Required budgets in pre-applications. An applicant that submits a pre-application for a Partnership Program or Teacher Recruitment Program grant under paragraphs (b)(2)(ii) and (b)(3)(ii) must also submit any budgetary information that the Secretary may require in the program application package.

(c) Tie-breaking procedures. In the event that two or more applicants are ranked equally for the last available award under any program, the Secretary selects the applicant whose activities will focus

(or have most impact) on LEAs and schools located in one (or more) of the Nation's Empowerment Zones and Enterprise Communities.

(Authority: 20 U.S.C. 1021 et seq.)

Subpart B--State Grants Program

Sec. 611.11 What are the program's general selection criteria?

In evaluating the quality of applications, the Secretary uses the following selection criteria.

(a) Quality of project design. (1) The Secretary considers the quality of the project design.

(2) In determining the quality of the project design, the Secretary considers the extent to which--

(i) The project design will result in systemic change in the way that all new teachers are prepared, and includes partners from all levels of the education system;

(ii) The Governor and other relevant executive and legislative branch officials, the K-16 education system or systems, and the business community are directly involved in and committed to supporting the proposed activities;

(iii) Project goals and performance objectives are clear, measurable

outcomes are specified, and a feasible plan is presented for meeting them;

(iv) The project is likely to initiate or enhance and supplement systemic State reforms in one or more of the following areas: teacher recruitment, preparation, licensing, and certification;

(v) The applicant will ensure that a diversity of perspectives is incorporated into operation of the project, including those of parents, teachers, employers, academic and professional groups, and other appropriate entities; and

(vi) The project design is based on up-to-date knowledge from research and effective practice.

(b) Significance. (1) The Secretary considers the significance of the project.

(2) In determining the significance of the project, the Secretary considers the extent to which--

(i) The project involves the development or demonstration of promising new strategies or exceptional approaches in the way new teachers are recruited, prepared, certified, and licensed;

(ii) Project outcomes lead directly to improvements in teaching

quality and student achievement as measured against rigorous academic standards;

(iii) The State is committed to institutionalize the project after federal funding ends; and

(iv) Project strategies, methods, and accomplishments are replicable, thereby permitting other States to benefit from them.

(c) Quality of resources. (1) The Secretary considers the quality of the project's resources.

(2) In determining the quality of the project resources, the Secretary considers the extent to which--

(i) Support available to the project, including personnel, equipment, supplies, and other resources, is sufficient to ensure a successful project;

(ii) Budgeted costs are reasonable and justified in relation to the design, outcomes, and potential significance of the project; and

(iii) The applicant's matching share of the budgeted costs demonstrates a significant commitment to successful completion of the project and to project continuation after federal funding ends.

(d) Quality of management plan. (1) The Secretary considers the

quality of the project's management plan.

(2) In determining the quality of the management plan, the Secretary considers the following factors:

(i) The extent to which the management plan, including the workplan, is designed to achieve goals and objectives of the project, and includes clearly defined activities, responsibilities, timelines, milestones, and measurable outcomes for accomplishing project tasks.

(ii) The adequacy of procedures to ensure feedback and continuous improvements in the operation of the project.

(iii) The qualifications, including training and experience, of key personnel charged with implementing the project successfully.

(Authority: 20 U.S.C. 1021 et seq.)

Sec. 611.12 What additional selection criteria are used for an application proposing teacher recruitment activities?

In reviewing applications that propose to undertake teacher recruitment activities, the Secretary also considers the following selection criteria:

(a) In addition to the elements contained in Sec. 611.11(a) (Quality of project design), the Secretary considers the extent to which the project addresses--

(1) Systemic changes in the ways that new teachers are to be recruited, supported and prepared; and

(2) Systemic efforts to recruit, support, and prepare prospective teachers from disadvantaged and other underrepresented backgrounds.

(b) In addition to the elements contained in Sec. 611.11(b) (Significance), the Secretary considers the applicant's commitment to continue recruitment activities, scholarship assistance, and preparation and support of additional cohorts of new teachers after funding under this part ends.

(c) In addition to the elements contained in Sec. 611.11(c) (Quality of resources), the Secretary considers the impact of the project on high-need LEAs and high-need schools based upon--

(1) The amount of scholarship assistance the project will provide students from federal and non-federal funds;

(2) The number of students who will receive scholarships; and

(3) How those students receiving scholarships will benefit

from high-quality teacher preparation and an effective support system during their first three years of teaching.

(Authority: 20 U.S.C. 1021 et seq.)

Sec. 611.13 What competitive preference does the Secretary provide?

The Secretary provides a competitive preference on the basis of how well the State's proposed activities in any one or more of the following statutory priorities are likely to yield successful and sustained results:

(a) Initiatives to reform State teacher licensure and certification requirements so that current and future teachers possess strong teaching skills and academic content knowledge in the subject areas in which they will be certified or licensed to teach.

(b) Innovative reforms to hold higher education institutions with teacher preparation programs accountable for preparing teachers who are highly competent in the academic content areas and have strong teaching skills.

(c) Innovative efforts to reduce the shortage (including the high turnover) of highly competent teachers in high-poverty urban and rural areas.

(Authority: 20 U.S.C. 1021 et seq.)

**Subpart C--
Partnership Grants
Program**

Sec. 611.21 What are the program's selection criteria for pre- applications?

In evaluating the quality of pre-applications, the Secretary uses the following selection criteria.

(a) Project goals and objectives. (1) The Secretary considers the goals and objectives of the project design.

(2) In determining the quality of the project goals and objectives, the Secretary considers the following factors:

(i) The extent to which the partnership's vision will produce significant and sustainable improvements in teacher education.

(ii) The needs the partnership will address.

(iii) How the partnership and its activities would be sustained once federal support ends.

(b) Partnering commitment. (1) The Secretary considers the partnering commitment embodied in the project.

(2) In determining the quality of the partnering commitment, the Secretary considers the following factors:

(i) Evidence of how well the partnership

would be able to accomplish objectives working together that its individual members could not accomplish working separately.

(ii) The significance of the roles given to each principal partner in implementing project activities.

(c) Quality and comprehensiveness of key project components.

(1) The Secretary considers the quality and comprehensiveness of key project components in the process of preparing new teachers.

(2) In determining the quality and comprehensiveness of key project components in the process of preparing new teachers, the Secretary considers the extent to which--

(i) Specific activities are designed and would be implemented to ensure that students preparing to be teachers are adequately prepared, including activities designed to ensure that they have improved content knowledge, are able to use technology effectively to promote instruction, and participate in extensive, supervised clinical experiences;

(ii) Specific activities are designed and would be implemented to ensure adequate support for those who have completed the

teacher preparation program during their first years as teachers; and

(iii) The project design reflects up-to-date knowledge from research and effective practice.

(d) Specific project outcomes. (1) The Secretary considers the specific outcomes the project would produce in the preparation of new teachers.

(2) In determining the specific outcomes the project would produce in the preparation of new teachers, the Secretary considers the following factors:

(i) The extent to which important aspects of the partnership's existing teacher preparation system would change.

(ii) The way in which the project would demonstrate success using high-quality performance measures.

(Authority: 20 U.S.C. 1021 et seq.)

Sec. 611.22 What additional selection criteria are used for a pre-application that proposes teacher recruitment activities?

In reviewing pre-applications that propose to undertake teacher recruitment activities, the Secretary also considers the following selection criteria:

(a) In addition to the elements contained in Sec. 611.21(a) (Project goals and objectives), the Secretary considers the extent to which--

(1) The partnership's vision responds to LEA needs for a diverse and high quality teaching force, and will lead to reduced teacher shortages

in these high-need LEAs; and

(2) The partnership will sustain its work after federal funding has

ended by recruiting, providing scholarship assistance, training and supporting additional cohorts of new teachers.

(b) In addition to the elements contained in Sec. 611.21(c) (Quality and comprehensiveness of key project components), the Secretary considers the extent to which the project will--

(1) Significantly improve recruitment of new students, including those from disadvantaged and other underrepresented backgrounds; and

(2) Provide scholarship assistance and adequate training to preservice students, as well as induction support for those who become teachers after graduating from the teacher preparation program.

(c) In addition to the elements contained in Sec. 611.21(d) (Specific project outcomes), the

Secretary considers the extent to which the project addresses the number of new teachers to be produced and their ability to teach effectively in high-need schools.

(Authority: 20 U.S.C. 1021 et seq.)

Sec. 611.23 What are the program's general selection criteria for full applications?

In evaluating the quality of applications, the Secretary uses the following selection criteria.

(a) Quality of project design. (1) The Secretary considers the quality of the project design.

(2) In determining the quality of the project design, the Secretary considers the following factors:

(i) The extent of evidence of institution-wide commitment to high quality teacher preparation that includes significant policy and practice changes supported by key leaders, and which result in permanent changes to ensure that preparing teachers is a central mission of the entire university.

(ii) The extent to which the partnership creates and sustains collaborative mechanisms to integrate professional teaching skills, including skills in the

use of technology in the classroom, with strong academic content from the arts and sciences.

(iii) The extent of well-designed and extensive preservice clinical experiences for students, including mentoring and other forms of support, implemented through collaboration between the K-12 and higher education partners.

(iv) Whether a well-planned, systematic induction program is established for new teachers to increase their chances of being successful in high-need schools.

(v) The strength of linkages within the partnership between higher education and high-need schools or school districts so that all partners have important roles in project design, implementation, governance and evaluation.

(vi) Whether the project design is based on up-to-date knowledge from research and effective practice, especially on how students learn.

(b) Significance of project activities. (1) The Secretary considers the significance of project activities.

(2) In determining the significance of the project activities, the Secretary considers the following factors:

(i) How well the project involves

promising new strategies or exceptional approaches in the way new teachers are recruited, prepared and inducted into the teaching profession.

(ii) The extent to which project outcomes include preparing teachers to teach to their State's highest K-12 standards, and are likely to result in improved K-12 student achievement.

(iii) The extent to which the partnership has specific plans to institutionalize the project after federal funding ends.

(iv) The extent to which the partnership is committed to disseminating effective practices to others and is willing to provide technical assistance about ways to improve teacher education.

(v) How well the partnership will integrate its activities with other education reform efforts underway in the State or communities where the partners are located, and will coordinate its work with local, State or federal teacher training, teacher recruitment, or professional development programs.

(c) Quality of resources. (1) The Secretary considers the quality of resources of project activities.

(2) In determining the quality of resources, the Secretary considers the extent to which--

(i) Support available to the project, including personnel, equipment, supplies, and other resources, is sufficient to ensure a successful project;

(ii) Budgeted costs are reasonable and justified in relation to the design, outcomes, and potential significance of the project; and

(iii) The applicant's matching share of the budgeted costs demonstrates a significant commitment to successful completion of the project and to project continuation after federal funding ends.

(d) Quality of management plan. (1) The Secretary considers the quality of the management plan.

(2) In determining the quality of the management plan, the Secretary considers the following factors:

(i) The extent to which the management plan, including the work plan, is designed to achieve goals and objectives of the project, and includes clearly defined activities, responsibilities, timelines, milestones, and measurable outcomes for accomplishing project tasks.

(ii) The extent to which the project has an effective, inclusive, and responsive governance and

decision-making structure that will permit all partners to participate in and benefit from project activities, and to use evaluation results to ensure continuous improvements in the operations of the project.

(iii) The qualifications, including training and experience, of key personnel charged with implementing the project successfully.

(Authority: 20 U.S.C. 1021 et seq.)

Sec. 611.24 What additional selection criteria are used for a full application that proposes teacher recruitment activities?

In reviewing full applications that propose to undertake teacher recruitment activities, the Secretary also considers the following selection criteria:

(a) In addition to the elements contained in Sec. 611.23(a) (Quality of project design), the Secretary considers the extent to which the project reflects--

(1) A commitment to recruit, support and prepare additional well-qualified new teachers for high-need schools;

(2) Appropriate academic and student support services; and

(3) A comprehensive strategy for addressing shortages of well-qualified and well-trained teachers in high-need LEAs, especially teachers from disadvantaged and other underrepresented backgrounds.

(b) In addition to the elements contained in Sec. 611.23(b) (Significance of project activities), the Secretary considers the extent to which the project promotes the recruitment, scholarship assistance, preparation, and support of additional cohorts of new teachers.

(c) In addition to the elements contained in Sec. 611.23(c) (Quality of Resources), the Secretary considers the impact of the project on high-need LEAs and high-need schools based upon--

(1) The amount of scholarship assistance the project will provide students from federal and non-federal funds;

(2) The number of students who will receive scholarships; and

(3) How those students receiving scholarships will benefit from high-quality teacher preparation and an effective support system during their first three years of teaching.

(Authority: 20 U.S.C. 1021 et seq.)

Sec. 611.25 What competitive preference does the Secretary provide?

The Secretary provides a competitive preference on the basis of how well the project includes a significant role for private business in the design and implementation of the project.

(Authority: 20 U.S.C. 1021 et seq.)

Subpart D--Teacher Recruitment Grants Program

Sec. 611.31 What are the program's selection criteria for pre-applications?

In evaluating pre-applications, the Secretary considers the following criteria:

(a) Project goals and objectives. (1) The Secretary considers the goals and objectives of the project design.

(2) In determining the quality of the project goals and objectives, the Secretary considers how the partnership or State applicant intends to--

(i) Produce significant and sustainable improvements in teacher recruitment,

preparation, and support; and

(ii) Reduce teacher shortages in high-need LEAs and schools, and improve student achievement in the schools in which teachers who

participate in its project will teach.

(b) Partnership commitment. (1) The Secretary considers the partnering commitment embodied in the project.

(2) In determining the quality of the partnering commitment, the Secretary considers the following factors:

(i) What the partnership, or the State and its cooperating entities, can accomplish by working together that could not be achieved by working separately.

(ii) How the project proposed by the partnership or State is driven by the needs of LEA partners.

(c) Quality of key project components. (1) The Secretary considers the quality of key project components.

(2) In determining the quality of key project components, the Secretary considers the following factors:

(i) The extent to which the project would make significant and lasting systemic changes in how the applicant recruits, trains, and supports new teachers, and reflects knowledge gained from research and practice.

(ii) The extent to which the project would be implemented in ways that significantly improve recruitment, scholarship assistance to preservice students, training, and induction

support for new entrants into teaching.

(d) Specific project outcomes. (1) The Secretary considers the specific outcomes the project would produce in the recruitment, preparation, and placement of new teachers.

(2) In determining the specific outcomes the project would produce in the recruitment, preparation, and placement of new teachers, the Secretary considers the following factors:

(i) The number of teachers to be produced and the quality of their preparation.

(ii) The partnership's or State's commitment to sustaining the work of the project after federal funding has ended by recruiting, providing scholarship assistance, training, and supporting additional cohorts of new teachers.

(Authority: 20 U.S.C. 1021 et seq.)

Sec. 611.32 What are the program's general selection criteria?

In evaluating the quality of full applications, the Secretary uses the following selection criteria.

(a) Quality of the project design. (1) The Secretary considers the quality of the project design for ensuring that activities to recruit and prepare new teachers

are a central mission of the project.

(2) In considering the quality of the project design for ensuring that activities to recruit and prepare new teachers are a central mission of the project, the Secretary considers the extent to which the project design--

(i) Shows evidence of institutional or (in the case of a State applicant) State-level commitment both to recruitment of additional new teachers, and to high-quality teacher preparation that includes significant policy and practice changes supported by key leaders and that result in permanent changes to current institutional practices;

(ii) Creates and sustains collaborative mechanisms to integrate professional teaching skills, including skills in the use of technology in the classroom, with academic content provided by the school of arts and sciences;

(iii) Includes well-designed academic and student support services as well as carefully planned and extensive preservice clinical experiences for students, including mentoring and other forms of support, that are implemented through collaboration between the K-12 and higher education partners;

(iv) Includes establishment of a well-planned, systematic induction program for new teachers that increases their chances of being successful in high-need schools;

(v) Includes strong linkages among the partner institutions of higher education and high-need schools and school districts (or, in the case of a State applicant, between the State and these entities in its project), so that all those who would implement the project have important roles in project design, implementation, governance, and evaluation;

(vi) Responds to the shortages of well-qualified and well-trained teachers in high-need school districts, especially from disadvantaged and other underrepresented backgrounds; and

(vii) Is based on up-to-date knowledge from research and effective practice.

(b) Significance. (1) The Secretary considers the significance of the project.

(2) In determining the significance of the project, the Secretary considers the extent to which--

(i) The project involves promising new strategies or exceptional approaches in the way new teachers are recruited, prepared, and

inducted into the teaching profession;

(ii) Project outcomes include measurable improvements in teacher quality and in the number of well-prepared new teachers, that are likely to result in improved K-12 student achievement;

(iii) The project will be institutionalized after federal funding ends, including recruitment, scholarship assistance, preparation, and support of additional cohorts of new teachers;

(iv) The project will disseminate effective practices to others, and provide technical assistance about ways to improve teacher recruitment and preparation; and

(v) The project will integrate its activities with other education reform activities underway in the State or communities in which the project is based, and will coordinate its work with local, State, and federal teacher recruitment, training, and professional development programs.

(c) Quality of resources. (1) The Secretary considers the quality of the project's resources.

(2) In determining the quality of the project's resources, the Secretary considers the extent to which--

(i) The amount of support available to the project, including personnel, equipment, supplies, student scholarship assistance, and other resources is sufficient to ensure a successful project.

(ii) Budgeted costs are reasonable and justified in relation to the design, outcomes, and potential significance of the project.

(iii) The applicant's matching share of budgeted costs demonstrates a significant commitment to successful completion of the project, and to project continuation after federal funding ends.

(d) Quality of management plan. (1) The Secretary considers the quality of the project's management plan.

(2) In determining the quality of the management plan, the Secretary considers the following factors:

(i) The extent to which the management plan, including the workplan, is designed to achieve goals and objectives of the project, and includes clearly defined activities, responsibilities, timelines, milestones, and measurable outcomes for accomplishing project tasks.

(ii) The extent to which the project has an effective, inclusive,

and responsive governance and decisionmaking structure that will permit all partners to participate in and benefit from project activities, and to use evaluation results to continuously improve project operations.

(iii) The qualifications, including training and experience, of key personnel charged with implementing the project successfully.

(Authority: 20 U.S.C. 1021 et seq.)

Subpart E-- Scholarships

Sec. 611.41 Under what circumstances may an individual receive a scholarship of program funds to attend a teacher training program?

(a) General: The service obligation. An individual, whom a grantee finds eligible to receive a scholarship funded under this part to attend a teacher preparation program, may receive the scholarship only after executing a binding agreement with the institution of higher education (IHE) offering the scholarship that, after completing the program, the individual will either--

(1) Teach in a high-need school of a high-need LEA for a period of time equivalent to the period for which the

individual receives the scholarship; or

(2) Repay, as set forth in Sec. 611.43, the Teacher Quality Enhancement Grant Program funds provided as a scholarship.

(b) Content of the scholarship agreement. To implement the service-obligation requirement, the scholarship agreement must include terms, conditions, and other information consistent with Secs. 611.42-611.49 that the Secretary determines to be necessary.

(Authority: 20 U.S.C. 1024(e))

Sec. 611.42 How does the Secretary calculate the period of the scholarship recipient's service obligation?

a) Calculation of period of scholarship assistance. (1) The Secretary calculates the period of time for which a student received scholarship assistance on the basis of information provided by the grantee under Sec. 611.50.

(2) The period for which the recipient received scholarship assistance is the period during which an individual enrolled in the teacher preparation program on a full-time basis, excluding the summer

period, would have completed the same course of study.

(b) Calculation of period needed to teach to meet the service obligation. (1) The period of the scholarship recipient's service obligation is the period of the individual's receipt of scholarship assistance as provided in paragraph (a) of this section.

(2) The Secretary calculates the period that a scholarship recipient must teach in a high-need school of a high-need LEA in order to fulfill his or her service obligation by--

(i) Comparing the period in which the recipient received a scholarship as provided in paragraph (a) of this section with the information provided by the high-need LEA under Secs. 611.46 and 611.47 on the period the recipient has taught in one of its high-need schools; and

(ii) Adjusting the period in which the recipient has taught in a high-need school to reflect the individual's employment, if any, as a teacher on a part-time basis relative to classroom teachers the LEA employs on a full-time basis under the LEA's standard yearly contract (excluding any summer or intersession period).

(c) The Secretary adjusts the period of a scholarship recipient's service obligation as provided in paragraph (b) of this section to reflect information the high-need LEA provides under Secs. 611.46 and 611.47 that the scholarship recipient also has taught in a high-need school in a summer or intersession period.

(Authority: 20 U.S.C. 1024(e))

Sec. 611.43 What are the consequences of a scholarship recipient's failure to meet the service obligation?

(a) Obligation to repay: General. (1) A scholarship recipient who does not fulfill his or her service obligation must--

(i) Repay the Department the full amount of the scholarship, including the principal balance, accrued interest, and any collection costs charged under paragraphs (c) and (d) of this section; or

(ii) Be discharged of any repayment obligation as provided in Sec. 611.45.

(2) Unless the service obligation is deferred as provided in Sec. 611.44 or the repayment requirement is discharged, the obligation to repay the amount provided in paragraph (a)(1) of this section begins six

months after the date the recipient--

(i) Completes the teacher training program without beginning to teach in a high-need school of a high-need LEA; or

(ii) Is no longer enrolled in the teacher training program.

(3) The Secretary determines whether a scholarship recipient has fulfilled the service obligation on the basis of information that the Department receives as provided in Secs. 611.46 and 611.47.

(b) Obligation to Repay: Partial performance of the service obligation. (1) A scholarship recipient who teaches in a high-need school of a high-need school district for less than the period of his or her service obligation must repay--

(i) The amount of the scholarship that is proportional to the unmet portion of the service obligation;

(ii) Interest that accrues on this portion of the scholarship beginning six months after the recipient's graduation from the teacher preparation program; and

(iii) Costs of collection, if any.

(2) Unless the service obligation is deferred or the repayment

requirement is discharged, the obligation to repay the amount provided in paragraph (b)(1) of this section begins six months after the date the recipient is no longer employed as a teacher in a high-need school of a high-need LEA.

(c) Availability of payment schedule. (1) Upon request to the Secretary, the scholarship recipient may repay the scholarship and accrued interest according to a payment schedule that the Secretary establishes.

(2) A payment schedule must permit the full amount of the scholarship and accrued interest to be repaid within ten years. The minimum monthly payment is \$50 unless a larger monthly payment is needed to enable the full amount that is due to be paid within this timeframe.

(d) Interest. In accordance with 31 U.S.C. 3717 and 34 CFR part 30, the Secretary charges interest on the unpaid balance that the scholarship recipient owes. However, except as provided in Sec. 611.44(d), the Secretary does not charge interest for the period of time that precedes the date on which the scholarship recipient is

required to begin repayment.

(e) Failure to meet requirements. A scholarship recipient's failure to satisfy the requirements of Secs. 611.42-611.48 in a timely manner results in the recipient being--

(1) In non-compliance with the terms of the scholarship;

(2) Liable for repayment of the scholarship and accrued interest; and

(3) Subject to collection action.

(f) Action by reason of default. The Secretary may take any action authorized by law to collect the amount of scholarship, accrued interest and collection costs, if any, on which a scholarship recipient obligated to repay under this section has defaulted. This action includes, but is not limited to, filing a lawsuit against the recipient, reporting the default to national credit bureaus, and requesting the Internal Revenue Service to offset the recipient's Federal income tax refund.

(Authority: 20 U.S.C. 1024(e))

Sec. 611.44 Under what circumstances may the Secretary defer a scholarship recipient's service obligation?

(a) Upon written request, the Secretary

may defer a service obligation for a scholarship recipient who--

(1) Has not begun teaching in a high-need school of a high-need LEA

as required by Sec. 611.41(a); or

(2) Has begun teaching in a high-need school of a high-need LEA, and who requests the deferment within six months of the date he or she no longer teaches in this school.

(b) To obtain a deferment of the service obligation, the recipient must provide the Secretary satisfactory information of one or more of the following circumstances:

(1) Serious physical or mental disability that prevents or substantially impairs the scholarship recipient's employability as a teacher.

(2) The scholarship recipient's inability, despite due diligence (for reasons that may include the failure to pass a required teacher certification or licensure examination), to secure employment as a teacher in a high-need school of a high-need school LEA.

(3) Membership in the armed forces of the United States on active duty for a period not to exceed three years.

(4) Other extraordinary circumstances that the Secretary accepts.

(c) Unless the Secretary determines otherwise--

(1) A scholarship recipient must apply to renew a deferment of the service obligation on a yearly basis; and

(2) The recipient has 60 days from the end of the deferment period to begin teaching in a high-need school of a high-need LEA or become liable for repayment of the scholarship, any accrued interest, and any costs of collection.

(d)(1) As provided in Sec. 611.43(a)(2), during periods for which the Secretary defers a scholarship recipient's service obligation, the scholarship recipient does not have an obligation to repay the scholarship. However, interest continues to accrue on the amount of the scholarship.

(2) If the scholarship recipient fulfills his or her service obligation after the end of the deferment, the Secretary waives the obligation to repay accrued interest.

(Authority: 20 U.S.C. 1024(e))

Sec. 611.45 Under what circumstances does the Secretary discharge a scholarship recipient's obligation to repay for failure to meet the service obligation?

(a) The Secretary discharges the obligation of a scholarship recipient to repay the scholarship, interest, and any costs for failure to meet the service obligation based on information acceptable to the Secretary of--

(1) The recipient's death; or

(2) The total and permanent physical or mental disability of the recipient that prevents the individual from being employable as a classroom teacher.

(b) Upon receipt of acceptable documentation and approval of the discharge request, the Secretary returns to the scholarship recipient, or for a discharge based on death to the recipient's estate, those payments received after the date the eligibility requirements for discharge were met. The Secretary returns these payments whether they are received before or after the date the discharge was approved.

(Authority: 20 U.S.C. 1024(e))

Sec. 611.46 What are a scholarship recipient's reporting responsibilities upon graduation from the teacher preparation program?

(a) Within six months of graduating from a teacher preparation

program, a scholarship recipient must either--

(1) Have the LEA in which the recipient is employed as a teacher provide the Department information, which the Secretary may require, to confirm--

(i) The home address, phone number, social security number, and other identifying information about the recipient;

(ii) That he or she is teaching in a high-need school of a high-need LEA; and

(iii) Whether the individual is teaching full- or part-time and, if part-time, the full-time equivalency of this teaching compared to the LEA's full-time teachers;

(2) Provide the Department--

(i) A notarized statement that the scholarship recipient has asked the LEA to provide the Department the information identified in paragraph (a)(1) of this section, including the name and telephone number of the LEA official to whom the request was made; and

(ii) A copy of the information identified in paragraph (a)(1) of this section that the recipient has asked the LEA to provide to the Department; or

(3) Provide the Department a current home address and telephone number, a work address and

telephone number, the recipient's social security number, and one of the following:

(i) The required repayment of the scholarship.

(ii) A request that the Secretary permit the recipient to repay the scholarship and accrued interest in installments as permitted by Sec. 611.43(c).

(iii) A request that the Secretary defer the service obligation as permitted by Sec. 611.44.

(b) If the recipient provides the Department the information identified in paragraph (a)(1) of this section, the Department accepts the information provisionally, but the recipient retains responsibility for working to have the LEA submit the information.

(Authority: 20 U.S.C. 1024(e))

Sec. 611.47 What are a scholarship recipient's reporting responsibilities upon the close of the LEA's academic year?

(a) At the close of the LEA's academic year, a scholarship recipient whose LEA reports under Sec. 611.46(a) that he or she is teaching in a high-need school of a high-need LEA must--

(1) Have the LEA provide information to the Department, as the

Secretary may require, that confirms the recipient's actual employment status for the preceding period; or

(2) Provide the Department--

(i) A notarized statement that the scholarship recipient has asked the LEA to provide the Department the information identified in paragraph (a)(1) of this section, including the name and telephone number of the LEA official to whom the request was made; and

(ii) A copy of the information identified in paragraph (a)(1) of this section that the recipient has asked the LEA to provide to the Department.

(b) If the recipient provides the Department the notarized statement and accompanying information identified in paragraph (a)(2) of this section, the Department accepts the information provisionally, but the recipient retains an ongoing responsibility for working to have the LEA submit the information directly to the Department.

(c) In subsequent school years, the recipient must have the LEA continue to provide information to the Department on the recipient's employment as the Secretary may require, until the

Department notifies the recipient that the service obligation has been fulfilled. The alternative procedures in paragraph (a)(2) of this section also apply in subsequent years.

(d)(1) The Secretary provides a scholarship recipient with credit toward the service obligation for teaching in a high-need school of a high-need LEA during a summer or intersession period (for LEAs that operate year-round programs).

(2) To receive this credit, the recipient must have the LEA at the end of the summer or intersession period provide information to the Department, as the Secretary may require, that confirms that the recipient has taught during this period in a high-need school.

(Authority: 20 U.S.C. 1024(e))

Sec. 611.48 What are a scholarship recipient's reporting responsibilities upon failure to graduate or withdrawal of scholarship support?

(a)(1) Within six months of the date the scholarship recipient is no longer enrolled in the teacher training program, or within six months of

the IHE's withdrawal of scholarship support for failure to maintain good academic standing, the recipient must submit to the Department--

(i) The required repayment of the scholarship;

(ii) A request that the Secretary establish a binding schedule under which the recipient is obligated to repay the scholarship, accrued interest, and any costs of collection; or

(iii) A request that the Secretary defer the service obligation as permitted by Sec. 611.44.

(2) Upon review of the repayment or information provided under paragraph (a)(1) of this section, the Department notifies the recipient of the status of the recipient's obligations and of any schedule under which the recipient must repay the scholarship.

(b) Until the Secretary determines that the individual either has satisfied his or her service obligation or has repaid the full amount of the scholarship, accrued interest, and any costs, the recipient also remains responsible for providing the Department--

(1) The information identified in this part; and

(2) A current home address and telephone number, and a current work address and work telephone number.

(Authority: 20 U.S.C. 1024(e))

Sec. 611.49 What are a grantee's responsibilities for implementing the scholarship requirements before awarding a scholarship?

Before awarding scholarship assistance with funds provided under this part to any student attending a teacher preparation program, a grantee must--

(a) Ensure that the student understands the terms and conditions that the Secretary has determined must be included in the scholarship agreement;

(b) Have the student and the institution awarding the scholarship execute a scholarship agreement that contains these terms and conditions; and

(c) Establish policies for--

(1) The withdrawal of scholarship support for any student who does not remain in good academic standing; and

(2) Determining when and if re-negotiation of a student's scholarship package over an extended period of time is appropriate.

(Authority: 20 U.S.C. 1024(e))

Sec. 611.50 What are a grantee's reporting responsibilities?

(a) Within 30 days of the beginning of the teacher preparation program's academic term or within 30 days of the execution of any scholarship agreement, whichever is later, the grantee must provide to the Department the following information:

(1) The identity of each scholarship recipient.

(2) The amount of the scholarship provided with program funds to each recipient.

(3) The full-time equivalency, over each academic year, of each recipient's enrollment in the teacher training program for which he or she receives scholarship assistance.

(4) Other information as the Secretary may require.

(b) Within 30 days of a scholarship recipient's graduation or withdrawal from the teacher preparation program, the grantee must provide to the Department the following information:

(1) The date of the recipient's graduation or withdrawal.

(2) The total amount of program funds the grantee awarded as a scholarship to the recipient.

(3) The original of any scholarship agreement executed by the scholarship recipient and the grantee (or its partnering IHE if the grantee is not an IHE) before the recipient was awarded a scholarship with program funds.

(4) A statement of whether the institution has withdrawn scholarship support because of the recipient's failure to maintain good academic standing.

(5) Other information as the Secretary may require.

(Authority: 20 U.S.C. 1024(e))

Sec. 611.51 How does a grantee ensure that a scholarship recipient understands the terms and conditions of the scholarship before the recipient leaves the teacher preparation program?

(a) An institution that provides a scholarship with funds provided under this part must conduct an exit conference with each scholarship recipient before that individual leaves the institution. During the exit conference the institution must give the recipient a copy of any scholarship agreement the recipient has executed.

(b) The institution also must review with the recipient the terms

and conditions of the scholarship, including--

(1) The recipient's service obligation;

(2) How the recipient can confirm whether a school and LEA in which he or she would teach will satisfy the service obligation;

(3) Information that the recipient will need to have the LEA provide to the Department to enable the Secretary to confirm that the recipient is meeting the service obligation;

(4) How the recipient may request a deferment of the service obligation, and information that the recipient should provide the Department in any deferment request;

(5) The consequences of failing to meet the service obligation including, at a minimum, the amount of the recipient's potential indebtedness; the possible referral of the indebtedness to a collection firm, reporting it to a credit bureau, and litigation; and the availability of a monthly payment schedule;

(6) The amount of scholarship assistance and interest charges that the recipient must repay for failing to meet the service obligation; and

(7) The recipient's responsibility to ensure that the Department has

a home address and telephone number, and a work address and telephone number until the Secretary has determined that the recipient has fulfilled the service obligation or the recipient's debt has been paid or discharged; and

(8) The follow-up services that the institution will provide the student during his or her first three years of teaching in a high-need school of a high-need LEA.

(Authority: 20 U.S.C. 1024(e))

Sec. 611.52 What are a grantee's programmatic responsibilities for ensuring that scholarship recipients become successful teachers in high-need schools?

In implementing its approved project, the grantee must--

(a) Provide scholarship recipients both before and after graduation with appropriate support services, including academic assistance, job counseling, placement assistance, and teaching support that will help to ensure that--

(1) Upon graduation, scholarship recipients are able to secure teaching positions in

high-need schools of high-need LEAs; and

(2) After beginning to teach in a high-need school of a high-need LEA, former scholarship recipients have appropriate follow-up services and assistance during their first three years of teaching;

(b) Provide LEAs with which the grantees collaborate in teacher recruitment activities with information and other assistance they need to recruit highly-qualified teachers effectively; and

(c) Work with the high-need LEAs participating in its project to ensure that scholarship recipients are placed, to the extent possible, in highest-need schools of those LEAs.

(Authority: 20 U.S.C. 1024(e))

Subpart F--Other Grant Conditions

Sec. 611.61 What is the maximum indirect cost rate that applies to a recipient's use of program funds?

Notwithstanding 34 CFR 75.560-75.562 and 34 CFR 80.22, the maximum indirect cost rate that any recipient of funds under the Teacher Quality Enhancement Grants Program may use to charge indirect costs to these funds is the lesser of--

(a) The rate established by the

negotiated indirect cost agreement;

or

(b) Eight percent.

(Authority: 20 U.S.C. 1021 et seq.)

Sec. 611.62 What are a grantee's matching requirements?

(a)(1) Each State receiving a grant under the State Grants Program

or Teacher Recruitment Grants Program must provide, from non-federal

sources, an amount equal to 50 percent of the amount of the grant to carry out the activities supported by the grant.

(2) The 50 percent match required by paragraph (a)(1) of this section must be made annually during the project period, with respect to each grant award the State receives.

(b) Each partnership receiving a grant under the Partnership Grant Program or the Teacher Recruitment Grant Program must provide, from non-federal sources, an amount equal to--

(1) 25 percent of the grant award for the first year of the grant;

(2) 35 percent of the grant award for the second year of the grant;

and

(3) 50 percent of the grant award for each succeeding year of the

grant.

(c) The match from non-federal sources required by paragraphs (a) and (b) of this section may be made in cash or in kind.

(Authority: 20 U.S.C. 1021 et seq.)